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SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. BIEGMAN
(Vice-President of the General Assembly)

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In the absence of Mr. Essy (President of the General Assembly), Mr. Biegman (Vice-President of the General Assembly) took the Chair.

The meeting was called to order at 9.45 a.m.

ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by Italy (A/49/234 and Add.1)

1. The CHAIRMAN invited the Committee to consider a request for the inclusion of an additional item entitled "Capital punishment".

2. The representative of Italy had asked to address the Committee, in accordance with rule 43 of the rules of procedure.

3. At the invitation of the Chairman, Mr. Fulci (Italy) took a place at the Committee table.

4. Mr. FULCI (Italy), speaking also on behalf of Andorra, Austria, Bolivia, Cambodia, Cape Verde, Costa Rica, Croatia, Cyprus, Dominican Republic, Ecuador, Gambia, Greece, Guinea-Bissau, Haiti, Honduras, Italy, Malta, Marshall Islands, Micronesia, Monaco, Namibia, Nicaragua, Panama, Paraguay, Portugal, Romania, San Marino, Solomon Islands, Sweden, Uruguay, Vanuatu and Venezuela, introduced the request contained in documents A/49/234 and Add.1. He stressed that capital punishment was an important and urgent matter - important because it was currently a topic of debate all over the world and urgent because, even as he spoke, death sentences were being handed down and human beings were being executed.

5. Italy was leading the initiative for a number of reasons. First, its Parliament had passed a motion instructing the Government to submit a request for inclusion of the agenda item - a decision which reflected the sentiment of the overwhelming majority of Italians. Second, other initiatives had been taken, including the resolution adopted by the Parliamentary Assembly of the Council of Europe a few weeks earlier, calling on all States which had not yet done so to abolish capital punishment and the letter sent by the Secretary-General of the United Nations in September urging Governments of the countries which had not yet done so to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. He was pleased to announce that, only days earlier, the Second Optional Protocol had been approved by the Italian Chamber of Deputies and sent to the Senate for final approval. Italy had recently abolished the death penalty for crimes committed in time of war under military law.

6. The sponsors of the draft resolution were well aware that the issue was controversial and that the legislation of many countries provided for capital punishment. In a deliberate attempt to avoid exerting pressure on delegations, a draft resolution had been appended to the request. The language of the resolution demonstrated that its sponsors did not wish to meddle in the internal affairs of other States. Suggestions and amendments would be welcome. It was their sincere hope that the Committee would not deny Member States the opportunity to express their views on a sensitive issue which enjoyed strong public support and was crucial to the protection of human rights.

7. The CHAIRMAN said that the representative of Honduras had asked to participate in the discussion, in accordance with rule 43 of the rules of procedure.

8. At the invitation of the Chairman, Mr. Rendón Barnica (Honduras) took a place at the Committee table.

9. Mr. RENDÓN BARNICA (Honduras) expressed his delegation's support for the request submitted by Italy. The abolition of capital punishment would help to ensure the progressive development of individual rights and the full effectiveness of the International Covenant on Civil and Political Rights, in particular article 6, which affirmed the inherent right to life and imposed limitations on the enforcement of capital punishment in those States which had not yet abolished it. Growing international public opinion against capital punishment had been manifested, as evidenced by the adoption of General Assembly resolutions 2857 and 32/61, which reiterated the desirability of abolishing capital punishment in all countries, and of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (General Assembly resolution 44/128, annex). The adoption by consensus of the last-mentioned resolution and its endorsement by the Economic and Social Council attested to the wide support which abolition of the death penalty currently enjoyed at the international level. The death sentence, which violated the right to life, proclaimed in article 3 of the Universal Declaration of Human Rights, was a degrading and inhuman form of punishment. It had been abolished in Honduras in 1956 and carried out there for the last time in 1940.

10. The request for the inclusion of an additional item was by no means intended to pressure States into abolishing capital punishment or adhering to the Second Optional Protocol. Rather, it reflected a growing tide of public opinion which had resulted in the adoption of national legislation and the conclusion of regional agreements. Referring to article 6 (5) of the International Covenant on Civil and Political Rights, he urged all countries where capital punishment was still legal not to impose the death penalty on pregnant women, or on persons below 18 years of age, who were not sufficiently mature to understand the seriousness of their acts.

11. Mr. PIRIZ-BALLON (Uruguay) expressed his delegation's support for the inclusion of the proposed item. Not only did his delegation disagree with the school of thought that regarded capital punishment as the most effective deterrent to crime but it also opposed the practice on principle. The Uruguayan

Constitution expressly prohibited capital punishment. His delegation urged States gradually to amend their national legislation with a view to abolishing capital punishment completely.

12. Mr. MANZ (Austria) said that his delegation, which had always called for the abolition of capital punishment world wide, fully supported the Italian initiative.

13. Mr. YASSIN (Sudan) said that the Italian request had taken his delegation by surprise. It could not agree to the proposed agenda item because capital punishment was a divine right according to some religions, in particular Islam. His delegation acknowledged that the request had its legal basis in the human rights instruments; however, capital punishment was enshrined in the Koran and millions of inhabitants of the Muslim world believed that it was a teaching of God. Moreover, unlike common law, which provided only a limited number of defences for persons accused of crimes punishable by death, Islamic law provided for some 85 defences and should be seen in that context.

14. Mr. CISSÉ (Senegal), Chairman of the Third Committee, said it was his understanding that the question of capital punishment was to be included as a sub-item of agenda item 100 entitled "Human rights questions", which had been allocated to the Third Committee.

15. Mr. TOURÉ (Guinea-Bissau) said that the countries which had submitted the request and the draft resolution were convinced that the General Assembly would call on the international community to find a rapid and effective solution to the problem of capital punishment, particularly in countries whose administrative and judicial institutions were inadequate or poorly organized. The move to abolish capital punishment reflected the Organization's efforts to combat the human errors caused by judicial and administrative injustice. International solidarity was the only viable approach to the abolition of capital punishment. Rich and poor nations must forge an alliance based on a desire to create a new type of humanism, a new type of relationship between States and between individuals, and a climate of trust and cooperation. Guinea-Bissau had recently adopted a law abolishing capital punishment, further consolidating its new democracy and safeguarding the individual rights of its citizens. His delegation supported the inclusion of the agenda item.

16. Mr. SINUNGURUZA (Burundi) said that the inclusion of the agenda item marked an important phase in the implementation of the principles contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Under the Constitution of Burundi, the right to life was sacred and inviolable and those who violated that right were subject to capital punishment. In recent years, however, death sentences had not been executed. Given the divergence of views in the Committee, perhaps further consultations were necessary. His delegation could support the inclusion of the agenda item.

17. Mr. FULCI (Italy) said that he wished to clarify to the representative of the Sudan that it had not been his delegation's intention to take anyone by surprise. In fact, he had personally informed the ambassador of each country represented on the General Committee that his delegation would be submitting a request for an additional item. Aware that the Third Committee was seeking to rationalize its work, his delegation, in a spirit of compromise, could agree to the suggestion by the Chairman of the Third Committee that capital punishment should be included as a sub-item of agenda item 100, rather than as a separate additional item, provided that it appeared as sub-item (e) and was entitled "Capital punishment".

18. Mr. YASSIN (Sudan) said that his delegation was also opposed to the inclusion of a sub-item under agenda item 100.

19. The CHAIRMAN said that it might be necessary to depart from the Committee's standard practice and decide the question by a vote.

20. Mr. ORDZHONIKIDZE (Russian Federation) said that the matter was purely procedural and should be decided without taking a vote. Once that procedural decision was taken, delegations wishing to express their views could do so in the Third Committee.

21. Mr. KHAN (Pakistan), supported by Mr. CHEN Wangxia (China) and Mrs. VASISHT (India), proposed that the Committee should defer its decision, as it had done with regard to the items on an agenda for development and observer status for the Sovereign Military Order of Malta.

The meeting was suspended at 10.20 a.m. and resumed at 10.25 a.m.

22. Mr. YASSIN (Sudan) expressed support for the Pakistan proposal.

23. Mr. ROSENSTOCK (United States of America) urged the Committee to defer action for a few days in order to reach a consensus and said that his delegation strongly supported the Pakistan proposal.

24. The CHAIRMAN said that the Committee would resume consideration of the request within one week.

The meeting rose at 10.30 a.m.